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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,415	12/16/1999	BRYAN SEVERT HALLBERG		8841
55648	7590	08/08/2006	EXAMINER	
KEVIN L. RUSSELL CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP 1600 ODSOWER 601 SW SECOND AVENUE PORTLAND, OR 97204			BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2621	
DATE MAILED: 08/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/465,415	HALLBERG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vincent F. Boccio	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on RCE and Amendment of 5/19/06.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

Art Unit: 2621

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

***Response to Arguments***

1. Applicant's arguments filed 5/19/06 with an RCE have been fully considered but they are not persuasive.

{A} In re page 7, applicant states, "The examiner contends that the claimed step of "copying" MPEG data into a DIF block is met by a reference that discloses a process of converting an MPEG data stream into a DVC format having DIF blocks, before storing the DVC data. Although the applicant disagrees with this claim interpretation (the term "copy" is defined by Webster ... as being an "imitation, replica or reproduction", which would not read on data altered to a different format, ... has nonetheless amended each of the independent claims ..."

In response the examiner still content that copy into DIF, is a format conversion step, not converting the MPEG Video format, but the data format, which the DVC is a format being DIF blocks 10 tracks for each frame and 150 DIF blocks per track, to record to a digital tape recorder.

The original MPEG transport stream is formatted to a digital data structure, having 150 DIF/track and 1 frame/10 tracks for NTSC video standard/format and also known in the art is, (1 frame/12 tracks) for PAL video standard/format, as is well known in the art.

The examiner does not agree that copying, as being defined by applicant ("imitation, replica or reproduction"), does read on data altered but is an imitation being not the same.

If I have a picture from FILM, scan the picture with a an electronic scanner, now the picture is in a digital and electronic form, this picture reads on:

- a copy,
- an imitation,
- a reproduction,
- a replica.

{B} In re page 7, applicant states, "The examiner indicated agreement that this limitation is not disclosed by any of the cited combinations, which each relay on a combination of Inoue and Okuyama."

In response the examiner fails to agree.

Art Unit: 2621

The examiner indicated that copying an MPEG transport stream format into the recorder, which records in a recording format of 150 DIF/track and 10 tracks/per can be considered to be a format conversion with respect to the tape data format with respect to an NTSC video standard signal, as is well known.

The data structure of 150 DIF/track and 10 tracks/frame is a recording data structure format, which the MPEG transport stream, has been copied to and/or recorded to the recorder wherein the format is the DIF format.

It is noted that the claims recite, "copying the MPEG transport stream data in an MPEG format and without conversion to another format into video DIF blocks", can be recited as a format conversion.

It is noted that Fig. 6 of applicant's drawings, has support for the amendment, showing DV Header & MPEG Header & MPEG transport stream data, wherein the MPEG transport stream has been or can be said to be reformatted to Fig. 6, wherein the original MPEG transport stream data has not been changed, but a header DV has been added, which is not the same as the original signal (MPEG transport stream format), as is clear.

The examiner directs attention to Okuyama col. 14, lines 15-24, which states,

"The format converting circuit 43 converts the format of the input data to its own recording format. For example, ***if the device 23 is designed for recording according to MPEG 2 standard, it outputs the data from the device 22 as they are (without format conversion)*** to the recording processing circuit 18 ..."

Therefore, the MPEG transport stream can be recorded to recorder 23 without conversion into another compresses format, but the MPEG transport stream is copied into DIF data structure, as presently claimed.

The examiner maintains the rejection of cited combinations and request applicant to cite areas of applicant's specification when amending the claims and to further carefully look through the references used in the rejection.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2621

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US 5,832,085) in view of Okuyama et al. (US 5,987,126).

The examiner incorporates by reference the rejection against the claims.

The examiner will address claim 1 as amended.

The claims recite, "copying the MPEG transport stream data, in an MPEG format and without conversion to another format into a DIF data block ..."

See Okuyama col. 14, lines 15-24, which states, "The format converting circuit 43 converts the format of the input data to its own recording format. For example, ***if the device 23 is designed for recording according to MPEG 2 standard, it outputs the data from the device 22 as they are (without format conversion)*** to the recording processing circuit 18 ..."

Therefore, the MPEG transport stream recorded to recorder 23 without conversion of the MPEG transport stream data itself, as presently claimed.

Art Unit: 2621

It is further obvious in view of Okuyama that the MPEG transport stream is not format converted but, copied to the recorder into DIF data blocks on the medium, being 150 DIF/track and 10 track/frame, a recording data structure format of a DVC.

3. Claims 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue et al. (US 5,832,085) and Okuyama (US 5,987,126), as applied, and further in view of Oskouy et al. (US 6,791,947).

The examiner incorporates by reference the rejection of record against the claims, wherein as amended has been analyzed and discussed with respect to claim 1 above..

4. Claims 16-17 and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue et al. (US 5,832,085) and Okuyama (US 5,987,126) as applied, in view of Yanagihara et al. (US 5,684,917).

The examiner incorporates by reference the rejection against the claims, wherein as amended has been analyzed and discussed with respect to claim 1 above.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue et al. (US 5,832,085), Okuyama (US 5,987,126) and Yanagihara et al. (US 5,684,917) in view of Takeda et al. (US 6,101,215).

The examiner incorporates by reference the rejection of claim, wherein as amended has been analyzed and discussed with respect to claim 1 above.

**Contact Fax Information**

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,  
this Central Fax Number as of 7/15/05

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of

Art Unit: 2621

record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
8/5/06

  
VINCENT BOCCIO  
PRIMARY EXAMINER